IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 27464 of 2003

Between:

Manne Durgaiah, S/o Ganapathi,
Tunki village, Kowdipally Mandal, Medak District.

..... PETITIONER

AND

1 State of A.P. rep. by the Secretary, Home Department,
Secretariat, Hyderabad.
2 District Collector, Medak District at Sangareddy.
3 Superintendent of Police, Medak District at Sangareddy .
4 Station House Officer, Kowdipally P.S. Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly a writ of mandamus, declaring the action of the respondents in not returning the petitioner weapon bearing No. 749 (SBML) which was deposited with the 4th respondent on 10-12-1996 is illegal, arbitrary and unconstitutional, consequently direct the respondents to return the SBML gun bearing No. 749 to the petitioner which was deposited with the 4th respondent on 10-12-1996.

Counsel for the Petitioner: MR.K.V.SUBBA REDDY, Advocate.

Counsel for the Respondents: Govt. Pleader for Home.

The Court made the following:

Oral Order:

Petitioner, who obtained licence for possession of SBML gun to protect from the wild life under Section 13 of the Indian Arms Act, 1959 from the 2nd respondent on 06-07-1993, purchased SBML gun bearing No.749 on 19-07-1993 and since then he is in possession of the same. When the 3rd respondent directed to deposit the weapon, petitioner deposited the same with the 4th respondent—police station on 10-12-1996 and it is kept in Armed Reserve Police Headquarters, Medak District at Sangareddy. It is stated that petitioner made a representation for return of the said gun, but the respondents have not redelivered the same. Therefore, the present writ petition is field.

In the counter filed on behalf of the respondents it is stated that the petitioner has never made any representation and without making any representation to the District Collector and Superintendent of Police for return of weapon filed the present writ petition.

Learned Counsel for the petitioner contends that in view of law declared by this Court in ***G.VENKATASWAY v. DISTRICT COLLECTOR, KURNOOL,*** respondents have to return the gun, which was deposited with the 4th respondent.

Since the petitioner has not made any representation, he is at liberty to make a representation to the District Collector and Superintendent of Police within two weeks from today, and on making such representation necessary orders shall be passed within four weeks thereafter in the light of orders passed in the above said case.

The writ petition is accordingly disposed of. No costs.

08-07-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 State of A.P. rep. by the Secretary, Home Department,
Secretariat, Hyderabad.
2 District Collector, Medak District at Sangareddy.
3 Superintendent of Police, Medak District at Sangareddy .
4 Station House Officer, Kowdipally P.S. Medak District.

5.Two CCs to the Govt. Pleader for Home, High Court buildings

Hyderabad (OUT)

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